

Notice of Allowability

Application No.

10/538,999

Examiner

TRI V. NGUYEN

Applicant(s)

EVERS ET AL.

Art Unit

1796

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/29/08.
2. ☒ The allowed claim(s) is/are 1-3 and 6-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 07/02/08.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Lorna M Douyon/
Primary Examiner, Art Unit 1796

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Ronald Koatz on July 2, 2008.

The application has been amended as follows:

2.1 In claim 1, line 2, "consisting essentially of" has been replaced with --consisting of--;

2.2 In claim 1, line 4, delete "and"

2.3. In claim 1, line 10, after "solvent" add

-- comprising

0 to 0.0001 wt. % of a surfactant;

0 wt. % of water;

0 to 50 wt. % of a cosolvent and

a non-flammable, non-chlorine containing organic dry cleaning solvent --;

(support is found on page 8, lines 3-10).

STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The terminal disclaimer filed on April 29, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the US

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Patents No. 6,846,790; 6,900,166; 7,244,276 and co-pending US applications No. 10/539,001 and 10/540,711 has been reviewed and is accepted. The terminal disclaimer has been recorded.

The most pertinent prior art references known to the Examiner are listed on the attached forms PTO-892 and 1449. The claims in their present amended forms have overcome the prior art of record because none of them (i.e. Evers et al., Perry et al. in view of Goedhart et al. and Giampalmi et al.) teaches, discloses or suggests a dry cleaning process for in-home dry cleaning consisting of a low-aqueous step followed by a subsequent non-aqueous step with specific compositions, ingredients and ratio as disclosed by the applicants. In the art of dry cleaning, Evers et al. disclose a dry cleaning process with various low-aqueous and non-aqueous steps; Perry et al. teach the process of dry cleaning with low aqueous composition and Giampalmi et al. teach the dry cleaning process with three separate and distinctive steps of an aqueous step, a non-aqueous step and a low aqueous step. However, none of the prior art of record provides sufficient suggestion or motivation to have a dry cleaning process consisting of a low-aqueous step followed by a non-aqueous step with each step featuring the ratio and ingredients within the proportions as taught by the applicants. Accordingly, the claimed invention, as a whole, would not have been obvious to one of ordinary skill in the fiber treatment art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRI V. NGUYEN whose telephone number is (571)272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./
Examiner, Art Unit 1796
July 14, 2008

/Lorna M Douyon/
Primary Examiner, Art Unit 1796